

April 10, 2009

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**Via ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Ex Parte Presentation in: GN Docket No. 09-40**

Dear Ms. Dortch:

This letter provides notice that on April 9, 2009, Mark Ellison, Senior Vice President and General Counsel of National Rural Telecommunications Cooperative (“NRTC”), Chris Martin, Vice President, Strategic Partnerships of NRTC, and DigitalBridge Communications Corp.’s (“DBC”) counsel, Jennifer Richter and Rebecca Murphy of Patton Boggs, LLP, met with Ian Dillner, Jeff Cohen, Stephanie Rabiner, Kevin Holmes, Katie King, Nancy Zaczek and John Schauble about the Commission’s consultative role in defining broadband, unserved and underserved with respect to broadband stimulus projects. The substance of the conversation is included in the attached talking points.

Respectfully submitted,

/s/

Jennifer L. Richter  
Counsel to DigitalBridge Communications Corp.

**Talking Points**  
**FCC Meeting, April 9, 2008**

**I. Introduction of NRTC**

**II. Introduction of DBC**

**III. Description of the Anticipated NRTC/DBC Combination**

**IV. Broadband Stimulus Definitions**

- The Pew Report states that only 38% of rural users have broadband access. Given this, there should be a presumption that all counties designated as “rural” are either “unserved” or “underserved” without further demonstration. The RUS definition of “rural” is sufficient for this purpose: no more than 20,000 inhabitants in the county.
- To the extent a community is not “rural”, applicants for broadband stimulus funds that intend to serve unserved or underserved areas, should be charged with proving that the community they wish to serve is either unserved or underserved (provided this is their objective).
- **Unserved** area should mean any geographic area where 60% or more of the households to be served lack access to more than one terrestrial provider offering broadband service (as defined by the Commission).
- At the oversight hearing last week, Chairman Boucher called on agency officials to craft sensible definitions of unserved and underserved. With respect to “unserved” he said, “We would not, for example, want to exclude areas where there is a smattering of broadband service but where the service is generally absent throughout the community.”
- **Underserved** area should mean any geographic area where 30% or more of the households to be served lack access to more than one terrestrial provider offering broadband service (as defined by the Commission).
- At the oversight hearing, Chairman Boucher discussed the definition of “Underserved”: “It is, for example, appropriate to provide support where there is currently only one broadband provider, so a community gets the benefit of market competition...” Boucher suggested that a market may be underserved even if it had several service providers, but each only offered slow or dial-up speeds.
- **Definition of Broadband:** In defining broadband for purposes of the stimulus programs, the FCC, NTIA and RUS should avoid setting mandatory “speeds” for rural broadband or a “gold standard” of service. Great is the enemy of good. Require, instead, that broadband systems deployed in rural areas are “future-proofed” and can easily adapt as technology improves. For rural areas, there needs to be a realistic

evaluation of what speed is fast enough, assuring that the greatest number of people are served with meaningful broadband at the lowest cost.